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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

The United States of America, by and through its counsel, Karen P. Hewitt, United States Attorney, and Faith A. Devine, Assistant United States Attorney, hereby files its response to Defendant David C. Jacquot's Motion to Continue.

The Government does not object to a continuance of the Motion Hearing/Trial Setting date. The Government provided discovery to Defendant on May 22, 2008. The Government expects to provide additional discovery requested by Jacquot and to also make voluminous bank records available for inspection. The Government agrees that Jacquot needs addtional time to review this discovery before he can file further substantive motions.

The Government respectfully requests that the court conduct an inquiry pursuant to Farreta v. California, 422 U.S. 806, 821 (1975) to determine whether Jacquot has knowingly and voluntarily waived his right to counsel and to clarify his stated intention to retain counsel. As part of the inquiry, the Government requests that Jacquot be advised of the dangers of self-representation and the

1 consequences of his failure to retain counsel in a timely manner. See e.g., United States v. Fazzini, 871
2 F.2d 635, 643 (7th Cir. 1989)(“once the defendant has knowingly and intelligently waived his right to
3 counsel, only a substantial change in circumstances will require the district court to inquire whether the
4 defendant wishes to revoke his earlier waiver”); United States v. Tolliver, 937 F.2d 1183, 1187 (7th Cir.
5 1991)(“it is well within the discretion of the court to deny as untimely requests for counsel made after
6 meaningful trial proceedings have begun”).

7 DATED: June 2, 2008

8 Respectfully submitted,
9 KAREN P. HEWITT
United States Attorney

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12 FAITH A. DEVINE
Assistant U.S. Attorney

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